



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4112-99
3 August 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) HQMC Memo 1001 MMSR-5J of 30 Jun 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps Reserve filed enclosure (1) with this Board requesting a better characterization of service than the discharge under other than honorable conditions now of record.

2. The Board, consisting of Mr. Rothlein, Mr. Faulstich and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 25 July 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps Reserve on 1 February 1993. He completed his initial training and was released from active duty on 30 July 1993. In February 1994 he was placed in a not physically qualified (NPQ) status following a severe knee injury. In January 1995, his command requested that the Bureau of Medicine and Surgery (BUMED) determine his physical fitness for retention. Although he was placed in NPQ status by the medical department, it appears that the unit was not properly informed of his status because he was charged with missed drills. Finally, on 25 February 1997 he was notified of separation processing. However, the discharge processing notification was

returned as undeliverable. He was discharged under other than honorable conditions on 16 June 1997 due to unsatisfactory participation in the Marine Corps Reserve.

d. At enclosure (2) is an advisory opinion from Headquarters Marine Corps (HQMC). The advisory opinion sets forth the administrative actions taken in Petitioner's case and notes that his failure to provide a current address may have contributed to the errors in the case. The advisory opinion concludes as follows:

.. Recommend BCNR direct Headquarters Marine Corps (MMSR-5) to take all appropriate action to reflect (Petitioner's) having been honorably discharged (not physically qualified) on the same date as his current discharge date of 16 June 1997.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was placed in NPQ status in February 1994 and was never found physically qualified. Therefore, the Board substantially concurs with the recommendation contained in the advisory opinion. Accordingly, his record should be corrected to show that he was honorably discharged on 16 June 1997 by reason of not being physically qualified for retention in the Marine Corps Reserve.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge on 16 June 1997 by reason of not being physically qualified for retention in the Marine Corps Reserve vice the discharge and reason for discharge now of record.


b. That this Report of Proceedings be filed in Petitioner's naval record.

c. That the Department of Veterans Affairs be informed upon request that Petitioner's application was received by the Board on 22 June 1999.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

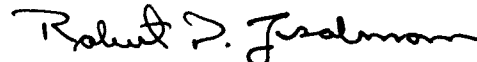
complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director